



PLANNING COMMISSION

Department of Planning and Development Services

P.O. Box 27210 Tucson, Arizona 85726-7210

Approved by Planning Commission on

Date of Meeting: September 2, 2009

The meeting of the City of Tucson Planning Commission was called to order by Catherine Applegate Rex, Chair, on Wednesday, September 2, 2009, at 7:01 p.m., in the Mayor and Council Chambers, City Hall, 255 W. Alameda Street, Tucson, Arizona. Those present and absent were:

1. ROLL CALL

Present:

Catherine Applegate Rex, Chair	Member at Large, Ward 5
Brad Holland, Vice Chair	Member, Ward 6
Kevin Burke	Member at Large, Ward 3
Rick Lavaty	Member at Large, Ward 1
Joseph Maher, Jr.	Member at Large, Ward 6
Shannon McBride-Olson	Member, Ward 2
William Podolsky	Member at Large, Ward 4
Mark Mayer	Member, Ward 5
Daniel J. Williams	Member, Ward 1
Craig Wissler	Member, Ward 3

Absent:

Thomas Sayler-Brown	Member, Mayor's Office
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Staff Members Present:

Ernie Duarte, Planning and Development Services, Director
Jim Mazzocco, Planning and Development Services, Planning Administrator
Tom McMahon, Principal Assistant City Attorney
Joanne Hershenhorn, Planning and Development Services, Lead Planner
Adam Smith, Planning and Development Services, Principal Planner
John Beall, Planning and Development Services, Principal Planner
Rebecca Ruopp, Housing and Community Development, Principal Planner
Chris Kaselemis, Housing and Community Development, Administrator
Norma Stevens, Planning and Development Services, Secretary
Erin Morris, Planning and Development Services, Project Coordinator
Roseanne Bent, City Clerk's Office, Recording Secretary

2. MINUTES FOR APPROVAL: May 20, 2009

It was moved by Commissioner Lavaty, duly seconded, and carried by a voice vote of 10 to 0 (Commissioner Sayler-Brown absent) to approve the May 20, 2009, minutes as submitted.

MINUTES FOR APPROVAL: July 1, 2009

Minutes were not available

**3. WEST UNIVERSITY NEIGHBORHOOD PLAN AMENDMENT (PA-09-02)
MAIN GATE V, TYNDALL/SECOND ST. (STUDY SESSION)**

John Beall, Planning and Development Services Department, Principal Planner, stated his presentation, would outline the proposed amendment. He said the project, Main Gate V, was part of the Main Gate Development, located at the southeast corner of Tyndall Avenue and Second Street in the West University Neighborhood adjacent to the University of Arizona, which was a block bounded to the north by Second Street, to the east by Park Avenue, to the south by University Boulevard and to the west by Tyndall Avenue. He added the *Plan* called for the area as a pedestrian commercial district. He stated the *University Area Plan* and the *General Plan* also recognized that the University of Arizona (U of A) was a regional activity center. He stated what the applicant was requesting was to amend the neighborhood plan to allow for an increase to building height and it should be noted that the proposed land uses of the project, commercial uses, were in compliance with the direction of the *West University Neighborhood Plan*. He said the applicant wanted to develop the site with a nine-story building with OCR-1 zoning, which allowed the maximum height of one hundred forty feet. He added the applicant currently had development rights for C-3 zoning that allowed the height of seventy-five feet. He stated the proposed project, which was part of the Main Gate Development, to the east there was a five-story building which had U of A retail uses on the first floor and the upper four floors were U of A offices. He said the other surrounding buildings were one- and two-story buildings of commercial, retail and restaurant use and the Marriott, to the west, was nine-stories, approximately ninety feet in height. He added currently, the parking for the entire West Main Gate Development was at the Tyndall Avenue garage which was about two hundred forty feet south. He said the parking was provided by Board of Adjustment case C10-00-31. The proposed project would have one or two underground parking facilities and would supplement some of the parking for the hotel and highly increase the height. He said the uses for the building would be commercial, educational, and a theater that would be for students' use, as well as, the public and hotel use.

Mr. Beall stated the area between Euclid Avenue and Park Avenue, from Speedway Boulevard to University Boulevard, was known as a transition zone under policy 1.B.10 in the *West University Neighborhood Plan* which limited the height in the transition from one to forty feet. He said even though the amendment area was a pedestrian commercial district, also proposed was a trolley line to increase multi-modal transportation. If the land use map were to be broken out, the applicant's site would be in a commercial area and the transition area was predominately commercial and institutional

land use. He said staff recommends the Planning Commission set the item for Public Hearing at its next meeting. He provided some proposed amendment language on how the applicant might amend the *Plan* understanding that this was a study session item at this time.

The Proposed Amendment Language included:

- Neighborhood Conservation – Policy 1.B.10
 - Limit building heights west of Euclid Avenue to that allowed by zoning on August 1, 1988.
 - Allow maximum building heights of forty feet in the transition area between Park and Euclid Avenues.

Exception:

- The building height for the property located at the southeast corner of the intersection of Tyndall Avenue and Second Street, may be increased to a building height of one hundred and forty feet.

Tom Warne, Marshall Foundation, stated the Main Gate Square, covered four blocks between Euclid and Park Avenues, the alley to the south of University Boulevard, north to Second Street, was presently comprised of one hundred thirty thousand square feet of retail space, two hundred thirty thousand square feet of office space, and two hundred sixty-five thousand square feet for the Marriott Hotel, which included twelve to thirteen thousand square feet of meeting space and two hundred fifty-five rooms, for a total square footage of six hundred twenty-five thousand feet. The parking spaces in the two garages were approximately twenty-two thousand eight hundred fifty square feet. He said what was being contemplated was two hundred fifty thousand square feet of retail and hotel expansion with additional parking. He stated the present zoning called for a three-story building, which was more than a three-story height due to the use of the zoning. The ground level was zoned for retail, second level for a theater and third level for office use. He added that the office use would be deleted from the plan.

Mr. Warne presented and discussed the following items:

- Phase 5 – underground parking
- Level 1 – hotel, retail, theater and education
- Level 2 – theater
- Levels 3-9 – hotel suites
- Garage (1,050 spaces) on Second Street and Euclid Avenue
- Office building, 1,080 square feet, to be occupied by the U of A.
- Bridge from garage to the office building.
- Pedestrian transition within the area
- Historic Buildings within the area: Old Geronimo Building, Urban Outfitters Building and Gentle Ben's.
- Fourth Street garage – 1,780 spaces
- Bridge over Park Avenue and University Boulevard so students can walk over directly to the theater

- Added complex would allow the U of A to double their student enrollment in media arts.
- Support from the U of A and the West University Neighborhood Association.
- Support from staff and the Mayor.

Commissioner Williams asked about the lot to be built on, that was currently used for parking and was full most of the time. He said the new development was going to require a substantial amount of parking. He stated he wanted to know how parking was going to be addressed and was there adequate parking to serve the entire area including the new hotel.

Mr. Warne stated the present zoning for that area was retail on level one, theater and office on level two, and parking was located by the Fourth Street garage. He said it was obviously convenient, even though the parking lot was all broken up and some paid a fee to park. He stated the parking for that block was registered in a deed of trust with the Arizona Board of Regents when the zoning was put in place. The reason a deed of trust was filed for the Fourth Street garage was to provide parking for that area and to pose as a higher authority, down the road, so parking could not be taken away. He said the additional parking needed, other than what was zoned, would be provided by the hotel by means of underground parking. He said one thing the present hotel had experienced with their two hundred fifty-five room facility was that they only had one hundred spaces in the garage built on Euclid Avenue and Second Street. Most of the time, there was not one car per room. He added the additional parking needed for the hotel would be provided on site underground.

Commissioner Williams asked if what he was hearing was that the big parking garage was built exclusively for the new square development.

Mr. Warne stated that was not what he was saying. He said the parking that was needed for the zoning, since it was a high pedestrian area; a variance was provided for a certain number of parking spaces needed for that block. Those spaces were provided in the Fourth Street garage and by a deed of trust with the Arizona Board of Regents. The four floors of the Louise Fulcra Marshall Building on Park Avenue were offices and teaching facilities for the U of A. Most Employees bought permits to park at the Speedway Boulevard and Park Avenue garage.

Commissioner Williams stated he still did not understand. He wanted to clarify what Mr. Warne was saying was additional parking would be built underground to accommodate the commercial or hotel portion of the project. He asked how many rooms and parking spaces were going to be projected. He also asked if any additional parking for the rest of the businesses would be accommodated in the Fourth Street garage and if it would be adequate enough. He asked if bicycles and bus pull outs would be accommodated as well.

Mr. Warne stated it was not certain the number of rooms, but would be up to one hundred fifty-five and projected up to one hundred fifty-five spaces. He said the additional parking in the Fourth Street garage would be adequate for the rest of the

businesses. He added he was trying to reduce parking for grocery centers, so the idea was to make it where one could park and walk a block or two. He said accommodations for bicycles with plenty of bike racks and bus pull outs for other modes of transportation would be made.

Commissioner Mayer stated the staff report indicated policy direction was from 1988 for the *West University Neighborhood Plan* which was originally adopted in 1982 and updated in 1988. He said he wanted clarification, in the next staff report, whether the provisions the applicant was seeking to change were from the original *Plan* in 1982 or from the 1988 update. He added he noticed there was **powerpoint** material presented at the meeting that the Commissioners had not received. He said he wanted to make sure they received all of the necessary materials with their packets so not to be surprised with new information during the meeting. He stated there had been many text and map amendments dating back to 1982 and would like to be informed if any of the amendments to the *Plan* affected the main gate and surrounding area. He asked the year the Marriott Hotel had been built and if it was built under hard zoning or built before the forty foot policy was adopted.

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Mr. Warne stated the Marriott Hotel was built ten years ago along with all of the buildings shown, before the 1982 *Plan*. He said they were all built in the 1990's or early 2000's. He added the two garages were over forty feet, the office building on Euclid Avenue was seventy-five feet and the office building on Park Avenue was seventy-five feet which did not count the cooling towers. He stated there were several buildings built after the 1982 *Plan* that were over forty feet. He said the original Marriott Hotel was built under hard zoning, zoned by the Mayor and Council. He added the block was also a specific ordinance by the Mayor and Council just as the present block being discussed, was under a separate ordinance which was different and specific.

Commissioner Mayer stated when an item went back to the Planning Commission; he would like the staff report to indicate amendments to the plan or any of the relevant approvals so the commission could be aware of the progress of the implementation. He said he wanted to know if the University garages, built by the University, submitted their plans for any kind of courtesy review or did the University build their structures under their State immunity and not pay much attention to the City. He asked if they went through a review process to see if they would comply with City zoning regulations.

Mr. Warne stated he could not speak for the University but he was the project manager for two of their garages that were built for the University and for the development of the Main Gate Square, which was supported by the U of A. He said back in the late 1980's, early 1990's, the U of A lost a lot of the top students in the State to Arizona State University (ASU). He added an exit study had been done under President Pacheco that showed development in Tempe was luring the students to that area. This made the Main Gate Square development all the more positive and because the Marshall Foundation gave five percent of their net asset value away every year even when it was not the easiest thing to do. He stated sixty percent of those funds went to students, in the form of three hundred scholarships to Tucson resident high schools, and other causes at the U of A. He said the garages were built with the development idea happening and

with the City's knowledge since they had to work closely with staff to obtain parking variances due to the high pedestrian area and density of dormitories. The University did not go through a review process with the City, the garages were built under State authority; but they did go through the neighborhoods. He added the neighborhoods were very involved with the Fourth Street garage, the West University Neighborhood, the Historic Review board and he worked on the design and submitted to the University which had won two design awards.

Chair Rex asked in the event the rezoning from C-3, which allowed seventy-five feet, to OCR, which allowed one hundred and forty feet, did not go through, could the applicant still build with the one hundred forty foot limitation in a C-3 zone.

Jim Mazzocco, Planning and Development Services, Principal Planner, stated the applicant could. He said the applicant would be limited to the maximum height in a C-3 zoning of seventy-five feet.

Chair Rex asked if the applicant did not get approved for the rezoning and they had to go back to seventy-five feet, would they have to go through the process again.

Mr. Mazzocco stated the applicant would have to alter their plan to accommodate the seventy-five foot limitation and would not have to go through the process again.

Commissioner Podolsky asked how many rooms would be in the new hotel and how many levels would the below grade parking include. He said if the parking would be completely submerged or would any part be above grade.

Mr. Warne stated there would be up to one hundred fifty-five rooms. In the present hotel, there were two hundred fifty-five. He said the underground parking was anticipated to have two levels and be completely submerged.

Commissioner Williams stated that the *Plan* would generate more traffic in the area; he wanted to know if any improvements had been identified to help move traffic through the area such as turn lanes.

Mr. Warne stated he was in the process of a traffic study for contemplation of removing the office space and adding hotel rooms. Other than that, there had not been any discussion on traffic mitigation. He said the hotel would have their own turn lane for guests who would be checking in or out. He added the present hotel, with two hundred and fifty-five rooms, rarely had their one hundred reserved parking spaces in the garage at Euclid and Second Street full at any given time. He said it was a high occupancy hotel with most guests arriving without cars. He stated the new hotel would have longer stays with a different population. He added the current population was spread out, not being concentrated or staying at the present Marriott hotel. He said the study would show the need in order to have the concentration remain in the area.

Chair Rex stated depending on the outcome of the traffic study, through the rezoning process, the applicant may end up having to do those things such as improvements to help with the increased traffic.

Commissioner Williams stated, in other words, the applicant has to provide a traffic impact analysis to show what would be happening with the intersections and if needed would staff require mitigation.

Ernie Duarte, Planning and Development Services, Director, stated assuming the Planning Commission forwards a recommendation to the Mayor and Council for approval to amend the *Plan* and assuming the Mayor and Council approves the amendment, the rezoning process includes sending the *Plan* to multiple agencies for review of the request, he anticipates a traffic impact analysis would be required. He said the analysis would identify some of the deficiencies that would need to be addressed and be mitigated in some way.

Mr. Mazzocco stated the area would have two stations for the modern street car, one on Park Avenue and one on University Boulevard. So, it would become one of the most transit oriented areas of the City.

Commissioner Maher asked if the applicant was intended to build all the way up to the one hundred forty foot limit. He said it appeared architectural character would be kept with the rest of the Marshall Foundation buildings around the area.

Mr. Warne stated, if it went the full amount, it would only go one hundred thirty feet, eight inches. He said it would depend on if there would be one hundred fifty-five rooms or if it went down to one hundred thirty-four rooms. Then it could wind up going only one hundred twenty feet. He added the character would remain the same as the other Marshall Foundation Buildings. He stated it would be very nice and may be better looking than the present Marriott Hotel. He said it will be brick all the way through the level of the theater, would have a strong cap on the building even though it would be one hundred twenty to one hundred thirty-one feet, and there would be an open space above the theater for barbeques and outdoor meeting space which would face the Luis Fucar Building blocking the sun from the west. He added it would be a real activity center and the theater designed to be very interactive.

Commissioner Maher asked if the information was correct that the improvements along Mill Avenue at ASU was what attracted students, were the suggestions made by the Marshall Foundation for improvements to enhance the boulevard as well the ability to attract students to the U of A

Mr. Warne responded affirmatively.

Chair Rex asked if the information requested by Commissioner Mayer regarding the report could be distributed electronically.

Commissioner Mayer clarified that he did not want copies of everything. He stated he only wanted important information such as square footage, height and other statistical information that was shown during the meeting in the presentations that the Commissioners had not received. He said a summary sheet of that type of information would be helpful.

Chair Rex asked for a motion to set the item for public hearing at the next Planning Commission meeting.

It was moved by Commissioner Mayer, duly seconded, and carried by a voice vote of 10 to 0 (Commissioner Saylor-Brown absent) to set the item for Public Hearing at the next Planning Commission meeting.

4. MILES NEIGHBORHOOD PLAN (STUDY SESSION)

Rebecca Ruopp, Housing and Community Development, Principal Planner, stated she was present on behalf of Gina Chorover who had worked on the *Miles Neighborhood Plan* (MNP) for the past 8 months.

Ms. Ruopp included the following in her presentation:

- As of 2006, there were twenty-eight Neighborhood Plans, and seventeen Area Plans, most created ten to twenty years ago
- 2006 City initiated a Neighborhood Plan Prototype Project Goal was to refine Neighborhood Plans to set goals, policies, and strategies that could be used by the City to review land use proposals and by the Neighborhood for community development
- Two neighborhoods were selected to develop plans: Miramonte and Jefferson Park
- The Miramonte and Jefferson Park Neighborhood Plans were completed and approved over a two-year period
- The process developed through the prototype project was used to create the MNP

The MNP Process:

- Planning process began in late 2008 - initiated by a group of neighborhoods with assistance from Ward V and coordinated by Comprehensive Planning Division of Housing and Community Development
- Survey of neighborhood property owners, residents, businesses, and organizations conducted
- Eleven member Citizen Steering Committee formed through application process
- Six Steering Committee meetings have been held
- Six meetings for the general public have been held
- Landscape Design Workshop held at two different times
- Draft Plan being finalized for presentation at formal public meeting later in September

Ms. Ruopp described the area where the Miles Neighborhood was located. She stated it was centrally located near Downtown, University, the Arroyo Chico Wash, and it

had a grocery store close by. She said there were many businesses located within the neighborhood.

Ms. Ruopp showed some demographic statistics in her presentation of the total population in the area from the 2000 census. She stated the population was approximately twelve hundred, total number of houses approximately five hundred with the median value of about ninety thousand dollars. She added another issue she wanted to point out was the stability of the neighborhood using home ownership as one of the criteria. She presented a graph which indicated how the owner occupied housing had gone down from 1980 to 2000. She stated it was still one of the really stable neighborhoods in those terms compared to other neighborhoods such as Jefferson Park or Miramonte where the percentages were different. She said one of the impressive things about Miles that the neighbors talk about was that it had a number of architectural styles; a nice mixture that mirrored many styles around Tucson. She said an important focal point for the neighborhood was the school, the Miles ELC which was referred to as Miles School. She stated the school was not a neighborhood school, it was a school done by lottery so not all children in the neighborhood could attend. She added that the school was very generous in making space available for meetings. The principal of Miles was very active in the MNP process and most of their meetings were held at the school. She said the land uses were generally residential, single family, medium density and included Tucson Unified School District (TUSD) and Cherry Field as well as some commercial along Broadway Boulevard. She stated the zoning reflected similarly to what the land uses were. Staff worked together with the neighborhoods to create an inventory of the connections, the lack of connections and other things that needed to be finished up. She added another big project in the area was the Broadway Boulevard corridor which voters approved as part of the Regional Transportation Authority (RTA) Plan.

Ms. Ruopp's presentation also included the following key issues:

- Increase in number of rental and investment properties and decrease in owner-occupied properties
- Preservation and Maintenance of Neighborhood Historic Resources
- Upcoming RTA Broadway Widening Project
- Arroyo Chico Master Plan
- Pedestrian Friendly Facilities and Measures

Ms. Ruopp reviewed comments from people in the neighborhood. She said the neighborhood spent a lot of time and energy coming up with the neighborhood vision statement which helped led them to the development of the goals and strategies. The following was the vision statement of the Miles Neighborhood:

The Miles Neighborhood will become an even more vibrant, healthy, and safe community. It will celebrate its historic roots, cultural diversity and multi-generational population. It will function as a family-friendly neighborhood with a stable mix of homeowners, renters and complementary businesses and institutions. The Neighborhood will strive to meet the needs of current and future residents.

- ⇒ Protection and Enhancement of Neighborhood Assets
- ⇒ Continuation and Improvement of Collaborative Relationships and Community Involvement
- ⇒ Response to Change

Ms. Ruopp included the goals and goal policies of the neighborhood:

Goal #1

- Neighborhood Preservation and Enhancement – Preserve the Miles Neighborhoods’ unique character, landscapes, and historically significant buildings.

Goal #1 Policies

- Encourage consistent maintenance of public and private property.
- Protect the historic and residential character and diverse architectural styles of buildings in the Miles Neighborhood.

Goal #2

- Compatible Development – Ensure that residential, commercial, and public development projects, both within the interior and along the perimeter of the Neighborhood, are compatible with the character of the Miles Neighborhood.

Goal #2 Policies

- Promote infill development that is consistent with the Neighborhood’s character and vision. This vision includes:
 - Neighborhood stability and maintenance of balance between owner-occupied and tenant occupied residences.
 - A mix of land uses that contributes to the traditional character of the Neighborhood
 - Carefully designed transitions between land uses
 - A safe, attractive and functional pedestrian environment
 - Green and sustainable development (e.g., water harvesting, energy conservation, alternative energy sources, alternate modes of transportation)
 - Maximum use of native and/or drought tolerant plant materials
 - Full involvement of residents and stakeholders in Neighborhood decisions
 - Support the development of compatible businesses and institutions that serve the needs of the Miles Neighborhood and encourage the location of these along major arterial roads whenever possible
 - Support roadway improvements that are consistent with the Miles Neighborhood’s character and vision

Goal #3

- Neighborhood Infrastructure Improvements
 - Enhance the beauty, safety, and environmental sustainability of the

Miles Neighborhood and improve the quality of life for current and future Neighborhood residents by improving amenities, enhancing infrastructure, encouraging sound environmental practices and creating a safe, attractive, and pedestrian-oriented neighborhood.

Goal #3 Policies

- Complete the network of Neighborhood infrastructure, including all sidewalks, handicap ramps, bus stops, and streetlights, and develop a plan for improving all alleyways.
- Protect and improve the physical elements of the Miles Neighborhood such as public landscapes and streetscapes.
- Protect, maintain and expand outdoor recreational and open space, including parks, trails, and gathering spaces.
- Reduce cut-through traffic and traffic speed on Miles Neighborhood local streets and abate parking problems
- Pursue Miles Neighborhood sustainability practices that encourage environmental stewardship, conservation of resources and responsiveness to future changes in climate
- Maintain easy access and connectivity to the University of Arizona, downtown Tucson, surrounding neighborhoods and commercial centers, public transit and major roadways

Goal #4

- Community Development
 - Enhance the sense of community, identity and safety of the Miles Neighborhood, and maintain and promote interaction between Miles Neighborhood stakeholder groups and governmental, education and civic organization whose activities impact the Neighborhood.

Goal #4 Policies

- Support and involve the Miles Neighborhood residents in programs that improve their quality of life
- Support a plan for Neighborhood crime prevention
- Build relationships with organizations that can affect the future and quality of life in the Miles Neighborhood, such as the Barrio San Antonio Neighborhood Association, University of Arizona, Tucson Unified School District, City of Tucson, and Pima County

Ms. Ruopp stated that while she had presented all the goals and policies of the *Plan*, she had not presented the strategies, which were basically recommendations for how the policies might be met. She said staff recommends that Planning Commission set the item for Public Hearing at its meeting.

Jamie Sumner, stated he wanted to acknowledge a couple of people on the Steering Committee, Joann Phillips and Corky Poster. He thanked and acknowledged Council Member Leal because without his support, the item would have not come to fruition. He also thanked Rebecca Ruopp, Gina Chorover, and Chris Kaselemis for their hard work and help on the project. He stated he felt it was needed to take a proactive

stance with the neighborhood because of the impending projects such as the Broadway Corridor, Arroyo Chico, the Development of Downtown and the University. He said there were four factors that were impending that could possibly affect their project dramatically which was why it was imperative that the plan go forward.

Commissioner Lavaty asked staff if there were any provision within the *Plan* that addresses parking issues around Cherry Field, which impacted both the field use as well as the neighborhood. He said he wanted to know if anything was included in the document because by just hanging “no parking” signs was not going to alleviate the problem.

Ms. Ruopp stated there were not any specific solutions or strategies at that point included in the document regarding the parking issues.

Commissioner Mayer asked if staff’s recommendation was to have the item set for Public Hearing at the next Planning Commission Meeting, why did they not receive the most recent draft the Steering Committee had or at least the substance of the more detailed policies that were being presented.

Ms. Ruopp stated the Commission saw what the policies were and what came next were the strategies. She said the policies were the pieces and the strategies were the ideas. She added, because of Council Member Leal’s support, the neighborhood wanted to get the project to the Mayor and Council before November 24, 2009, which was his last meeting. She said staff could get the *Plan* to the Commission sooner than when they usually received their meeting packet for review. She said in the eagerness of the neighborhood wanting to get the amendment ready for submission, some information might have been left out of the Commissioners’ packets.

Commissioner Maher asked if a Neighborhood Preservation Zone (NPZ) was in the future for the Miles Neighborhood.

Corky Poster, Miles Neighborhood Representative, stated as far as he knew, the neighborhood did not currently qualify for a NPZ. He said they would have to be determined eligible for the National Registered district before that option could be discussed.

Commissioner Maher stated he was under the impression there were positive view points towards the commercial along Broadway and along the perimeter. He asked if at some point, the neighborhood was looking to influence the character of the architecture along that area.

Ms. Ruopp stated the neighborhood had discussed one of the measures in the *Plan* referred to the possibilities of a guideline that might be somewhere down the line, possibly after obtaining the NPZ. She said other than, the hope and desire would be to meet with people who were thinking of developing in the area which the neighborhood felt was compatible. She added the neighborhood was very supportive of commercial and one of the businesses was the Little Sprouts School which also made their facility available for meetings.

Commissioner Williams stated neighborhood plans were very important tools that helped to get a cohesive neighborhood to get everyone in sink with each other and have more of a community relationship. He said in order to develop the plans, get them comprehensive and cohesive, and get the buy in of the neighborhood took time which that *Plan* had only been in development for a short period of time. He added it seemed to him the *Plan* was trying to be pushed through without looking at all the aspects that need to be addressed for a comprehensive plan.

Ms. Ruopp stated staff and the neighborhood were not trying to push it through; they were rather excited that the *Plan* went faster than the first two neighborhood plans, Miramonte and Jefferson Park. She said staff set an optimistic goal of twelve months for the previous neighborhoods which ended up taking about two years. She added both neighborhoods, especially Jefferson Park had some tough issues and Miramonte was a bigger neighborhood. She said the Miles Neighborhood was much smaller and they worked together. She added the Steering Committee and the people who attended the public meetings took the lead in the project. They did not feel they needed to rush the process, but got to the point of what they wanted, resulting in them wanting to move forward.

Commissioner Williams asked staff if they felt the comprehensive plan truly represented the neighborhood, did the *Plan* need to be polished or improved and would it be used as a good tool.

Ms. Ruopp stated every plan might need some polishing and/or improving, and she did not want to say the *Plan* did not need anything. She added there was no end to planning. She said she had been impressed with attending the meetings and overseeing the *Plan*. She stated she felt the public meetings had been good, the group had worked together, done the editing, and were clear as to what they wanted. She said the group brought many people out for the meetings. It had been a very interesting combination of businesses and neighbors. She added they still had not figured out how to get more renters to the table in a more active way. She stated staff had printed up door hangers for the public meetings and the Steering Committee took them around and put them on every door in the neighborhood. She added the Steering Committee was very active in speaking with people and making them interested. She said she felt there was always something that could be added but the Committee felt they had something they could go forward with.

Mr. Sumner stated he felt they had taken a very active role in the *Plan*, speaking to the neighborhood at large, and working with the neighborhood association. He said a lot of the ideas in the *Plan* came from the neighborhood association. They wanted to see something much bigger than simply attending meetings and speaking about issues that affected them. He added the networking aspect of the neighborhood, since it was so small, gave them the opportunity to talk with people more directly and had more one-on-one by going door-to-door and letting the neighbors know what was going on. He said he thought the willingness of the people to work together and come up with solutions as a community was a piece of the entire puzzle, the City of Tucson. He stated he believed in all their efforts and it was a great opportunity for a great neighborhood with lots of potential. He said he would like to see it flourish along with some of the other

neighborhoods. He added it was one of the older historic neighborhoods outside of Downtown and must be protected. Mr. Sumner said he and the neighborhood wanted to see the *Plan* go before the Mayor and Council prior to Council Member Leal's departure from office. He said he thought it was important and without his support, the *Plan* might not have happened.

Commissioner Maher stated he was not surprised the *Plan* went swiftly in terms of the prototype that staff had developed which sets up for an excellent process. He said the activism of the neighborhood sounded great. He added knowing that Ms. Ruopp and Mr. Poster helped in the process, explained why the *Plan* went so smoothly.

Chair Rex asked for a motion to forward the item for public hearing at the next Planning Commission meeting.

It was moved by Commissioner Lavaty, duly seconded, to forward the Miles Neighborhood Plan for Public Hearing at the next Planning Commission meeting.

Chair Rex stated there was a motion and second, and asked if there was any further discussion. Hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Commissioners Burke, Lavaty, McBride-Olsen, Podolsky, Williams, Maher, and Wissler, Vice Chair Holland and Chair Rex

Nay: ~~None~~

Absent/Excused: Commissioners Sayler-Brown.

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Motion to forward the Miles Neighborhood Plan for Public Hearing at the October 6, 2009 meeting of the Planning Commission was passed by a roll call vote of 9-~~0 (Commissioner Mayer abstained).~~

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5. **POTENTIAL LUC TEXT AMENDMENT – CHARTER SCHOOLS AND SINGLE FAMILY RESIDENCES (STUDY SESSION)**

Jim Mazzocco, Planning and Development Services, Planning Administrator, stated the reason the item was on the agenda was brought about by a discussion with the chair and some recent legislation that had occurred. He said it had to do with Charter Schools and House Bill 20-99 where the basic concept was that charter schools would be treated the same as public schools. This meant they do not have to follow the regular zoning and regulations procedures. He added there was one provision in the bill that allowed for a zoning regulation to be created. It was a statement with a "may" verb in it. He said it stated, "...except that a County or Municipality may adopt zoning regulations that prohibit a Charter school from operating in an existing single family residence that was located on property that was less than an acre." He said a municipality, which the City of Tucson was, could adopt that as a zoning regulation. He stated it was advertised

for a Study Session which usually got forwarded for public hearing, except that the potential text amendment could not be set for public hearing. He said it was a hypothetical text amendment that had not been initiated by the Mayor and Council. He added what the Commission could do was to have a vote, if they chose to; after discussion and deliberation, request that the Mayor and Council initiate it as a text amendment. If they did that, then the text amendment would come back to the Planning Commission for a Public Hearing whereby it could be discussed and decided on at that point in time. He said what the Commission was voting on this day was to ask the Mayor and Council to initiate the text amendment with the thought that it would be a good idea for it to be included the *Land Use Code*. He added, as background, House Bill 2099 went into effect and became law on October 1, 2009. He said without that provision in the *Land Use Code*, it meant a charter school could be put in an existing residence that was less than one acre.

Commissioner Maher asked if it was in existing single family residences. He said it did not show that information in the documents provided to the Commission whether it was existing or new residences or if it mattered.

Mr. Mazzocco stated it said existing single family residences in the actual House Bill itself. He said staff put together some draft language that the Commissioners could look at but was merely draft like. He added the House Bill stated existing which meant, even if there was the zoning regulation, if the existing building was torn down and the property was owned, a new building could be built and it could still be done.

Commissioner Maher asked for clarification, could someone still build and construct a charter school even though it was a state statute signed by the Governor, but was not in our code.

Mr. Mazzocco stated that was how he understood it.

Tom McMahon, Principal Assistant City Attorney, stated there would be a small exception which the Arizona Revised Statute (ARS) would allow the City of Tucson to adopt the exception. If adopted, the prohibited exception would be treated the same in all other aspects, they would be restricted. He said if it was not adopted, then ARS would be likely to have a more encompassing effect such as the example Mr. Mazzocco gave.

Commissioner Maher stated that was not the answer he was looking for. He said what he wanted to know was why the City of Tucson needed to revise its code if ARS dictated or was it different then what the House Bill said.

Mr. McMahon said the State's municipalities could adopt the provision and have the prohibition; the ARS did not prohibit it. He stated it was a case where that said municipalities may adopt if they choose to prohibit.

Commissioner Holland stated it would be a restriction if and only if a municipality would enact it.

Commissioner Mayer stated he thought the City should adopt the provision without any question. He said the legislature had ripped a gaping hole in the regulatory scheme of all municipalities and counties unlike other state entities who have well developed facilities and designed units that had regulations which were not always liked, such as mobile communities. He added it was looked at if Charter Schools were private entities typically operating on private land. He asked if there had been any legal analysis that the legislature may have overstepped their boundaries. He stated it was not in Title 9 or Title 11 of the statutes that covered zoning for municipalities and counties. He said what the legislation did was view private entities operating on private land with state immunity, which was a lot different than the traditional public school system. He said there had been recent County litigated where the legislature passed something that was preempted. The courts ruled that the private parties could not go back and control zoning decisions by Boards of Supervisors. He added he did not have an opinion on the provision but it was a thought that had occurred and he imagined many municipalities and the League of Arizona Cities and Towns would be looking at those issues.

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Mr. McMahon stated that was a very interesting issue and there was research going on regarding the overall nature and effect of the statute. He said he did not think it needed to be resolved for the purposes of it being before the Commission at present and said there would be future research to happen.

Mr. Maher said there was often a presumption that when preempted legislation was adopted by the legislature, that was the last word, but if the traditional public school or other state entities were used, the immunity would only apply when the state entity or traditional public school operated in a governmental capacity. If they operated in a proprietary capacity, they very well established law in Arizona that local regulations applied and would cover things such as opening a store front, selling team sports memorabilia, leasing to sell towers, or going into advertising putting up billboards that were locally regulated and would fully apply.

Mr. McMahon stated the language in the statute was not precise enough and he could not personally address it, but said some of the issues raised by Commissioner Maher were some of the issues he was currently involved in researching. He said he wished the language in the statute was sufficient so it had a clear cut answer of its meaning in saying Charter Schools were to be treated the same as Public schools for the purpose of zoning which was going to require some research and discussion. He added he could assure the Commission that research was currently being done on the issues that had been raised.

It was moved by Commissioner Lavaty, duly seconded and carried by a voice vote of 10 to 0 (Commissioner Sayler-Brown absent), to recommend the text in the "draft" Potential *LUC* Text Amendment to the Mayor and Council in order for staff to make the necessary revisions to the *Land Use Code*.

RECESSED: 8:40 pm

RECONVENED: 8:53 pm

Chair Rex reconvened the meeting. All Commissioners were present as they were at the beginning of the meeting (Commissioner Sayler-Brown absent)

6. GENERAL PLAN UPDATE

Chris Kaselemis, Housing and Community Development Department, Planning Administrator, stated the *General Plan (GP)* was the responsibility of the Housing and Community Development Department as well as the *Neighborhood Plan*. He said he wanted to give an update to the Commission on where staff was with the process and what was going forward. He stated the *GP* was a State mandated policy plan that required voter ratification every ten years. The current *GP* was adopted by the voters in November 2001 and needed to go back to the voters in November 2011. He said staff had been doing a lot of preliminary work on the update. He stated the update would guide Tucson's future course of action for the following ten years. He said staff was basing the *GP's* update on the principals of smart growth and sustainability. He added a list of things staff had done in the past:

- Developed a work plan timeline
- Critiqued the old plan
- Established goals for the update
- Researched other plans around the country
- Developed a framework

Mr. Kaselemis stated staff had also done a lot of research on past community visioning outreach efforts. He said staff was currently working on:

- guided principals,
- policies, and
- community participation and involvement

Mr. Kaselemis stated the guided principals were in draft form and were intended to set the boundaries for the policies in the *GP*. He stated there was a list of nine guided principals in "early" draft form which he said he wanted to give examples of the types of things staff was looking at including for the guided principals. He said an example was Sustainable Smart Growth Approach, where the City would work towards a sustainable future by imploring smart growth strategies in a regional perspective in the development of our community. He said the idea was, if the City set guided principals that were very broad, then those policies that staff came up with for each of the areas, would fit within the guided principals. He added another example was Personal Health and Well being, recognizing the importance of health and well being of individuals and promoting the development of a built environment that fostered physical and mental health.

Mr. Kaselemis distributed another document, which he said was an early draft of the *Community Participation and Involvement Plan*. He said State law required the Mayor and Council's approval of the *Plan*. He said what staff was contemplating was to have six town halls, one in each council ward, so staff could discuss the guided principals, introduce the concept of the *GP*, get basic input from the community and then have three topical community workshops. The *GP* would be broken down into three main areas; Smart Growth which was the development arm of the *GP*, Environmental

Integrity which would address sustainability and energy, and Social Economic Prosperity which was the human need area. He said the community workshops would be based on the three themes with discussion of the draft policies in each workshop.

Mr. Kaselemis stated the City Manager's Office was embarking on something called Community Key Service Dialogues (CKSD). He said the City Manager felt it was important for the City to connect with the community to find out what their values were and to ensure the City's budget priorities were along the same lines with the community's budget priorities of what they thought were important. He said he was helping work on the CKSD which would start at the end of September. He stated there were to be eight ward-based dialogues and several resource organization dialogues. The ward-based dialogues would be open to all citizens and the resource organization dialogues would be all the organizations funded by the City in some way and who had involvement in the public realm. They would be invited to send a representative to attend the dialogue to speak and provide input into one of the four areas. The *GP* would be broken up into three areas and the CKSD would be broken up into four areas: Economic Health, Human Need, Environmental Sustainability and strong Community and Neighborhoods. He stated those dialogues would be based on services and the *GP* would focus on policies at a higher level. He said the meetings would run from the end of September through about the beginning of January and once those meetings ended, staff would begin their meetings on the public involvement for the *GP*. He said some of the people who would help with the CKSD would also be help staff with their public forums for the *GP* to make sure they were coordinated.

Commissioner Mayer stated he wanted to get a general idea of some of the concepts. He asked if it was seen as an update with some supplemental policies with some minor adjustments of existing policies or was it viewed as a greater overhaul of an existing document.

Mr. Kaselemis stated staff started with the policies in the current *GP* and found some of them to be very good policies, a lot of them were already based on sustainability and smart growth so staff would to start with those. He said staff was open to new policies, but it all depended on the topical area they were thinking of and maybe land use would be a little more aggressive. He added staff had not gotten into the "meat" of those policies so he did not know for sure, but staff was clearly open to things that were a little more progressive than what was in the current *GP*. He said staff felt the current *GP* was pretty solid so he did not see it looking one hundred and eighty degrees different.

Commissioner Burke asked if the work plan and the timeline could be found on the website for the *GP*'s.

Mr. Kaselemis responded affirmatively. He said the work plan and timeline might slightly be tweaked after staff met in the next two weeks. He added the *GP*'s update would have be presented to the Planning Commission, two public hearings held, one in the Mayor and Council Chambers and the other somewhere in the community, most likely on the eastside of the City and then it would need to go to the voters. He said staff needed to work backwards in remembering the update needs to go to the voters in November 2011. Staff needs to create their timeline for where the update should be at

what time in order to get the update ready by November 2011. He stated staff had planned on beginning the Community Participation workshops during the summer but with the City Manager's CKSD meetings, staff had to wait.

Commissioner Maher asked if Mr. Kaselemis had prepared the CKSD for the City Manager.

Mr. Kaselemis responded he had not. He said the memo was prepared by Nicole Ewing-Gavin, Assistant to the City Manager. He added there was a core team headed by Ms. Ewing-Gavin, which he was a part of along with Albert Elias, Leslie Liberti, and Christina Parisi.

Commissioner Maher stated as the President of the Southern Arizona Chapter of the American Institute of Architects, a representative from that organization was missing from the list of the core team members. He said they could add input to all four of the categories.

Mr. Kaselemis stated he would make a note of that.

Commissioner Mayer stated he wanted the team members repeated.

Mr. Kaselemis stated the internal team consisted of himself, Nicole Ewing-Gavin, Assistant to the City Manager, Christina Parisi, Assistant to the City Manager, Albert Elias, Director of Housing and Community Development Department, and Leslie Liberti, Director of the Office of Conservation and Sustainable Development. He stated there would be many other City employees on the team. He said there was about twenty-five City Facilitators being utilized and other City staff would attend training in order to save money instead of hiring outside facilitators. He added many of department heads were very involved as it was a high priority for the City Manager.

7. LAND USE CODE (LUC) SIMPLIFICATION PROJECT UPDATE

Jim Mazzocco, Planning and Development Services Department, Planning Administrator, his presentation was the same presentation staff had given to a group called the *Land Use Code (LUC)* Committee appointed after the Mayor and Council last September, and were given direction to go forward with the *LUC* Simplification. He said, following his presentation, Adam Smith, Planning and Development Services Department, Principal Planner, would give a brief presentation that was also presented to the *LUC* Committee as directed by the Mayor and Council on July 8, 2008, when they asked staff to do some short term and long term changes to the *LUC*, specifically parking as a long term revision. He added the Mayor and Council told staff they wanted to go forward with the revision but to do some subtenant changes at the same time. He said those were the two big projects staff had been presenting to the *LUC* committee.

Mr. Mazzocco gave the following information in his Power Point presentation that showed the new name of the *LUC* to be the *Unified Development Code (UDC)* to reduce confusion instead of referring to the old *LUC* and the new *LUC*. He said the new name would be for most of the zoning codes in the 2000 era. He stated the name, *UDC*,

implied the unification of subdivision regulations and land use regulations. The following information from the presentation was the set up of the new *UDC*:

- **Article I: General Provisions** (Scope/applicability, severability, relationship to other ordinances, etc.)
- **Article II: Review Authorities** (Who made decisions, scope of powers of decision-making bodies with summary table)
- **Article III: Review Procedures** (Procedures for each type of review or permit, such as rezoning, subdivisions, and variances, with summary table and flow charts)
- **Article IV: Zone Districts** (Listing of all zone districts, allowable uses, and special district regulations with summary use table)
- **Article V: Use Regulations** (Standards for special exception uses, temporary uses, accessory uses, etc.)
- **Article VI: Dimensional Standards and Measurements** (Height, setback, and other similar standards; rules of measurement)
- **Article VII: Development Standards** (All substantive standards such as landscaping, parking, natural resource protection, etc.)
- **Article VIII: Subdivision Standards** (Standards and requirements relating to subdivisions, not including procedures)
- **Article IX: Nonconformities** (Provisions relating to nonconforming uses, structures, and lots)
- **Article X: Enforcement and Penalties**
- **Article XI: Definitions and Rules of Construction**

Mr. Mazzocco stated Clarion Associates, the consultant, had recommended as part of the scope of services, that staff proceed with that particular set up, the outline, of the new *UDC*. He said it would consist of eleven chapters; the first two chapters, Article I and II had already gone public. He added staff had an attorney/client privilege stage where staff had spoke with Clarion Associates about the two chapters and now Clarion Associates returned the documents back to staff which were distributed to the public, the *LUC* Committee, the Planning Commission and others who had requested them. He stated there was still plenty of time and did not want the Commissioners to think it was the last opportunity to comment on the first two chapters.

Mr. Mazzocco said staff would be coming back to the Commission as things were passed along to the *LUC* Committee. He said the Commissioners would see things in pieces, but ultimately the entire document would go back to the Commission for a Study Session and Public Hearing. He stated staff's goal was try to give the Commission small bits of the *UDC* in a series of study sessions. He said Article III was currently in the hands of Clarion Associates. He stated staff had an attorney/client comment period on it. The article was returned to Clarion Associates. When it was returned back to staff, it would then be ready to go public. He said Article III was big; it was approximately one hundred pages. Mr. Mazzocco added the next four articles, Articles IV - VII, were articles that Clarion Associates had not begun work on or if they had, staff did not know much about them at the time. He stated the following three articles, Articles VIII – X staff had just received and was doing their attorney/client review to make sure the attorneys agreed with the way the text amendments were progressing. When they were

complete, staff would make them public and present them to the Commission along with whomever requests to see them. Articles IV - VII were the “meat” of the use regulations, the dimensional regulations and development standards which were the landscaping and parking types of regulations. He said what staff expected, before receiving those articles, was that Clarion Associates to give them a strategy of what was going to change the development designator system to a dimension by zone system which was the most common system used throughout zoning codes in the United States.

Mr. Mazzocco showed a summary of the scope of services in his presentation:

Scope of Services

- Follow diagnostic report recommendations – consolidate procedures, place responsibilities in one place, clarify vagueness when possible, reorganize;
- Assure cross-referencing and redundancy were reduced;
- Replace the development designator system with simpler dimensions by zone approach;
- Use simplified numbering system;
- Provide new language necessary for the transition from LUC to UDC;
- Acknowledges that there may be other items that require re-evaluation that would cause modification in the reformatting.

Mr. Mazzocco stated some questions raised by staff as they went through the process were:

- What if there was a current way of doing the procedure that worked yet the written procedure was out of sync with it?
- What if something was vague or dated and needed minor or major revision efforts?
- What if the reformat was an opportunity to introduce a new idea into the *LUC* that improved how it worked?

Mr. Mazzocco stated some types of changes were:

- Repetitive mentioning of processes – condense when possible (neighborhood meetings, pre-application meetings)
- Clarify terms – remove multiple variations and standardize the term (conceptual plans, preliminary development plans)
- Clarify sentences – simplify sentence structure but keep meaning.
- Align process with current practices – Commission and Board of Adjustment “shall meet once a month” to “shall meet once a month unless there were no cases to hear.”
- Article III meant the deletion of the site plan process and consolidation of the development plan process.
- Make a new change that was simple to do- could it be expressed more simply or could the process be made simpler to use with a modification?
- Separate checklist-type process items from the basic regulations.
- Note for future reference needed changes that were too difficult to do now.

Mr. Mazzocco listed the Key changes to Articles I and II were:

- Transitional Regulations (*LUC to UDC*)
- Minor modification – new concept
- The change to PDSD and HCSD duties.
- Design Review Board (DRB) Policy Question – Currently
 - Review every permit application
 - Reviewed for recommendation – thus required two public meetings – most common function.
 - Review when requested by director or M/C.
 - Heard appeals of director's design decision for NPZs.

Mr. Mazzocco stated Proposition 207 made it necessary to keep the *LUC* and have the new *UDC* at the same time until there was a point in time where the *LUC* could be dropped to only have the *UDC*. He said staff wanted to make the *UDC* more desirable to use than the *LUC*, so to make the changes, the flexibility options staff had made in the last text amendments were going to be put into the *UDC* and taken out of the *LUC*. He added the *LUC* would be there and could be used but it would need to be used fully clad and not mix the two together on any project. He stated the DRB had about 19 different things they did but in asking DRB staff, many of those things occurred only about twice a year. He said the thing that seemed to be a problem, which DRB staff and Historic Preservation Zone (HPZ) staff agreed on, was the DRB's role in HPZ items. He said they all felt the DRB may not be the appropriate body and should be taken out of the role of reviewing HPZ items. He then showed a slide with the current and proposed HPZ permit review process:

- Current – *HPZ permit item*– HPZ Advisory Board – Tucson Pima County Historic Commission (TPCHC) – Director Decision – Appeal – DRB – Mayor and Council.
- Proposed – *Miscellaneous permit item*– HPZ Advisory Board – Tucson Pima County Historic Commission (TPCHC) – Director Decision – Appeal – Board of Adjustments.
- Proposed – *Demolition Contributing Structure* - HPZ Advisory Board – Tucson Pima County Historic Commission (TPCHC) – Director Decision – Appeal – Mayor and Council

Mr. Mazzocco stated the following were the steps in the Reformatting:

- Articles I and II under public review
- Article III currently being processed by consultant.
- Articles VIII, IX and X on Nonconforming uses, Enforcement and Subdivisions under staff review with attorneys.
- Articles IV, V, VI, VII and XI on Zoning uses, Dimensions, Development Standards (parking landscaping etc.) and Definitions. Pre-ceded by a replacement of Development Designator recommendations.

Mr. Mazzocco stated on April 30, 2009, staff gave the following timeline to the *LUC* committee:

- Phase 1 Articles I through III – Development Designator and Use strategy - July 2009
- Phase 2 Articles IV through IX - October 2009
- Phase 3 Preliminary Draft - November 2009
- Phase 4 Final Draft - February 2010
- Review by Planning Commission (2-4months)
- Mayor and Council review and adoption (1-2 months)
- Potential adoption about August/October 2010

Mr. Mazzocco stated after staff got into actually reviewing the documents of the project, and realizing what it took to do it, staff came up with the following revised timeline as of August 26, 2009:

- Phase 1 Articles I and II – August/September 2009
- Phase 2 Articles III and VII through X – September/October 2009
- Phase 3 Development Designator and Use Strategy – November 2009
- Phase 4 Articles IV through VII and XI – December 2009
- Phase 5 Preliminary Draft – March 2010
- Phase 6 Final Draft – May 2010
- Phase 7 Review by Planning Commission (2-4 months)
- Phase 8 Mayor and Council review and adoption (1-2 months)
- Potential adoption – November/December 2010

Mr. Mazzocco stated the revised timeline may still be a little optimistic but it at least gave a better breakdown of the project. He said Articles I and II would still go back to the Planning Commission for their review and discussion.

Ernie Duarte, Planning and Development Services Department, Director, stated he wanted to compliment Mr. Mazzocco for his work and efforts along with his team of planners. He said it was quite an undertaking and project that still remained a priority to the Mayor and Council. He added, in having gone through a code reformat with the Sign Code and seeing the work it involved, it was a big project. He said the work Mr. Mazzocco and his team had done with Clarion Associates was tremendous to get to the point they were at. He added, in Mr. Mazzocco and Mr. Kaselemis' presentations, they both referenced the recent changes in the City's organization and consolidation. He said he thought Mr. Mazzocco and his team was beginning to see the benefits to the consolidation. He said the reformatting of the *LUC* that Mr. Mazzocco had been involved in contributed to his success as he had the benefits of consulting with staff, the implementers who were processing permits and implementing the provisions of the code at his disposal. He stated Mr. Mazzocco was able to assemble teams from the development review section, ask what something meant and ask what the best way of implementation was, and then provide feedback to Clarion Associates so that they could produce a good document. He added he did not want to speak for Mr. Mazzocco but thought the consolidation had been a real positive to have those resources available down the hall as opposed to a few blocks away.

Commissioner Mayer asked if the work was going to be available in a full strike over version when it came before the Commission whether in parts or as a whole.

Mr. Mazzocco stated it would be impossible to make it as a strike over version. He said what staff would have available would be the new code and the old code and the documents of the disposition report that showed where things went. He stated that would be what staff would present to the Planning Commission. He said the disposition report was a bit of a summary which he had asked Clarion Associates for and they had a more specific disposition report. He added with Clarion Associates' disposition report, one could find where things had been moved.

Commissioner Lavaty stated that given the volume of work the Commissioners were going to receive, he asked that they receive it in digital form rather than as printouts particularly if they are going to be trying to compare existing language with proposed language. He said having to go through an entire code using two pieces of paper simultaneously, would take a long time.

Mr. Mazzocco stated he could send digital copies to the Commission members as requested.

Commissioner Williams stated there needed to be a way for the Commissioners to be able to compare the old to the new and to see if there was any subtenant changes and exactly what they were. He said a way needed to be created for the Planning Commission to do that with a type of formatting or have Clarion Associates reference all the pieces of the code they put into the sections.

Mr. Mazzocco stated staff had the disposition reports and were doing the comparison. He said when he and Aline Torres, Housing and Community Development Department, Lead Planner, first got the reports back when they were still at Urban Planning and Design, they opened up Section 23A of the Tucson Code, the *LUC* and the Development Standards and began the process of going through each line to find where everything was. He said he was very impressed that he could actually find the changes. He added a lot of things had been thrown out because there was so much redundancy that made it look much more complicated than it really was. He said when the three documents were put together and the "meat" taken out of the three, there was not a whole lot there. He said that was what staff was found. He said he would be glad to sit down with the Commissioners to show them how the reports worked. He added he had taken that experience on because he thought, as staff; they had to verify for themselves what Clarion Associates had done. He stated what he found was a lot of the language was taken from the code which had been tweaked a bit by changing a word here or there to clarify something.

Commissioner Holland stated if the Planning Commission was requesting the reports in digital format, was it relatively simple to embed a link so they could review the current or new language then click the link so it would go to the old or original *LUC* language.

Mr. Mazzocco stated he could give the Commissioners a copy of the document with the version that had comments on it. He said he could send that to them right away if they wanted.

Commissioner Holland stated that would be fine but he thought an embedded link where an address could be pasted in of where the language came from, such as a hyperlink where you just double click it and the documents could be viewed side by side.

Mr. Mazzocco stated he would talk to the consultant since he did not want to add any more tasks to the project then he had to because they were barely making it within the allotted budget amount for the project.

Commissioner Lavaty stated he thought, in talking with the consultants, that they had a system like that already set up which allowed them to do that for themselves in order for them to move back and forth between current, proposed and drafted language.

Mr. Mazzocco stated Clarion Associates had a much more elaborate disposition report that he told them he may be requesting. Clarion Associates said they get it to him. He added if that was what the Planning Commission wanted, that would be the one he would give them. He said it was color coded which they said some of the color coding had a couple of meanings but he felt it would help a lot to go in the direction the Commissioners wanted to go.

Commissioner Maher stated it was great work and from what he was hearing, other than the provisional new text, everything else was the same intent, just in better language and there really were not necessarily changes to the infamous *LUC* regulations so much as just to the way it was written.

Mr. Mazzocco stated there were changes within the white but said he would not classify them as substantive as the yellow changes which were brand new changes to the language. He said for example, if Article II was looked at, it used to talk about the Development Services Department (DSD) and the Department of Urban Planning and Design (UPD), which was in white, now it was talking about the Planning and Development Services Department and the Housing and Community Services Department and the functions had changed but were the same functions only now they were under two different departments. He clarified that it was updating the names so it was different but still the same.

Commissioner Maher stated he thought that was what he said in comparing the two documents, as long as the intent or the regulations had not changed, they had only been simplified and organized better. He said it looked like that for sure and he thought it was long overdue. He added he was extremely curious as to how it would get done. He stated staff had missed one of the items in minor modifications; new concept was on one of the sheets. He said in his mind, it seemed the only thing that drove everyone crazy about the *LUC*, was the way revisions were done or handled; it always seemed to be extremely cumbersome which were always harder to track as well as where they were.

Mr. Mazzocco stated the appeal and waiver procedures would be coming to the Planning Commission in Article III. He said Clarion Associates had recommended the idea about a modification change that was of a certain percentage. He added staff would bring those procedures to the Planning Commission and if they liked them great, if they do not, the procedures could be taken out. He said the concept of minor modification would be in the next article.

Commissioner Mayer stated he would like to receive a digital copy of the presentation or information that was shown at the Planning Commission meeting before getting to the actual meeting. He said he had not seen the material in his packet that was presented. He added in looking at the documents, the articles in yellow, Article I and II, meant they was new language and it made it sound like the rest of the editing, changes and consistency issues were pretty minor. He added some of the things that had not been involved in language issues and often in certain situations were some things people could agree on readily that were certain kind of language changes and other things were changing procedures. He added he saw some of each on the screen, particularly on some of the procedural matters. He stated staff was discussing the procedures they had but there was no guide in the document the Commissioners received in terms of any of those changes being made. He added there were certain changes reflected in the presentation and some were left out.

Mr. Mazzocco stated, for the most part, the language in white was from the current code but there were changes such as the UPD was gone so it was not mentioned further in the text but the PDSD was mentioned. He added because of how the reorganization took place, staff had changed where the functions were but were the same functions.

Commissioner Mayer stated it went without saying, but staff had mentioned procedures. For example, the code said one thing but for some reason, staff implemented things in a different way. He said that was the kind of thing that concerned him; that the code said one thing and staff was doing something different. He said that was not necessarily a consistency or technical kind of change. He added he saw two different types of changes but did not see any highlighting.

Mr. Mazzocco stated some of that had occurred because of the complications of the regulations. He said one of the statements Clarion Associates had made was that it was one of the most complicated development review document systems that they had ever come across. He added he did not want to make it sound like staff had gone off on their own, staff was following procedure but there were steps that staff did not know were there in some cases. He said staff had done something similar to those steps. He stated in another case, he found staff had done something completely different. He said those were things that would be taken back to the Planning Commission in Article III, which would be a little more apparent. He added Article III was going to be a lot cleaner than the current code was because in the current code were a mixture of submittal and procedural information. He stated staff had made every effort to separate submittal and procedural so the procedures were going to be cleaner looking than what they were in the current code.

Commissioner Mayer stated it was a tremendous effort and in reading some of the language, even the way new language was structured, it showed a very positive effort. He said he was a bit concerned about how to make assessments of what were legitimate changes in the formatting, procedures, and the logic that was followed from what was there and where it was, maybe too much liberty taken.

Mr. Mazzocco stated he thought that was what the whole process was about and staff could make those assessments. He said he thought they kept true to the scope of service the best they could and reduced redundancy, increased clarity, and increased simplicity when ever possible. He said staff would hold to those as they went through it and some people might think staff made it too simple or that it was important redundancy so that was why he thought the public hearings and public meetings were important to have those discussions to find out if staff had gone too far and needed to pull back a bit.

Commissioner Holland stated, out of personal curiosity, he had experienced that there was inherent tension between the code as it existed in the City and the code as it existed in the County. He asked if there was a parallel effort going on in the County and if there was, was it going to make it easier for people who function in both universes. He asked if it was going to make their job easier or make it more complicated and was the City moving towards what the County had.

Mr. Mazzocco stated as someone who worked in the County for twenty-one years, a lot of the changes in the County code were created with his participation. He said he was very familiar with the County code and he thought what staff was doing in the City, was an improvement, at least the new numbering system. He said if he were a consultant working in the City and the County, and was confronted by the City's newly proposed numbering system and the numbering system used by the County, he would see a lot of similarities. He added it would be something that would make it easier to work with the two jurisdictions. He said the eleven chapter set up was a much simpler set up that was similar to things he remembered in the County. He added, going back to dimensions by zone, was a big change that would make it much easier and thought what everyone would find in the new code was that Clarion Associates had gone above and beyond where the County was. He said the new code had been moved into the 2000's, where the County code was reformatted and went through the whole process back in the mid 1980's. He stated the new code was going to start reflecting graphics, tables, and color. He added in Article III, there would be a table which showed all the different applications, the different decision makers with who was making the recommendation and who was making the decision. He said it would be able to be seen easily. He stated there was going to be a lot of user friendly techniques in the new code that were not in the County code.

Commissioner Maher asked if staff felt the language was much better so that perhaps there may be fewer instances where it would be necessary to implement policy or an interpretation by the director or the city attorney. He said he was assuming that would still happen but he always felt the *LUC* had so many vague portions in it that it was an attorney document and not a design document. He stated he was just curious that the code was moving towards less of that. He added he did not want it to go away and did not want to set procedures but hoped the language was better to deter those situations.

Mr. Mazzocco stated he did not know if all of the interpreted issues would be solved by the reformatting but it being simpler helped. He added not having to consult three different documents and to have things in one place helped, so he thought interpretation should be simpler. He said there would still be some problematic language even when staff got to the point where it was adopted, there might be some problematic language. He stated part of the exercise would be if staff saw problematic language and was too substantive of a change, staff would make note of that as it was moved forward that it was something staff needed to get to in a different phase of the whole revision effort. He added it would be the opportunity to find those places and to make a list of them and to see if something could be done about them in the future if they were not corrected by the simplification.

Commissioner Maher stated it would be nice if there was a problem phrase, it could be addressed in a timely fashion rather than having a note from someone to get passed it. He said there were passages in the code that were not liked by the City Attorney but had no idea until there happened to be a project that addressed one of them.

Commissioner Burke stated he wondered about the relationship between staff and the consultant. He asked how the relationship was that staff had with the consultant and was staff satisfied with what the consultant had brought to them so far.

Mr. Mazzocco stated he thought staff had a very good relationship with the consultants and was very impressed with their abilities. He said the consultants were very knowledgeable people who had done these types of projects over and over again so he felt the City profited from the lessons Clarion Associates had learned from other jurisdictions where they had done revisions or reformat of codes. He stated he thought Clarion Associates realized what they had taken on with the Tucson Code which they had described as being more complicated and that was the reason why they had made the reformat a little more expensive than other reformat they had done. He said in the timelines Clarion Associates had predicted, and where staff was with timelines, it was a bit of a struggle for them to get through all of it. He added he had been very impressed with how well they had performed and the documents provided to staff had been very well done. He said staff found some problems with the documents but were of the type only an insider would notice and an outsider would not necessarily see the connection. He added he had high expectations as it moved ahead and he looked forward to how the consultants would come up with a solution for the Development Designator System.

Commissioner Williams stated he was curious as to how much it was going to cost the taxpayers to rewrite the code.

Mr. Mazzocco stated the cost from the start was one hundred forty thousand dollars. He said in the reorganization, money had been shifted and there was about fifty thousand dollars into the current phase that they were still working on. He said staff would see if Clarion Associates came back to them and said, "you know that hundred and forty, well there are some issues..."

Chair Rex stated the Planning Commission appreciated staff's and the consultant's efforts. She said it was a pretty amazing transformation.

8. NEW PARKING REGULATIONS UPDATE

Adam Smith, Planning and Development Services Department, Principal Planner, stated the Commission had been briefed on the revision a few months ago but it was not until recently that staff had begun working on the revision with earnest to the *LUC* Committee.

Mr. Smith discussed the following background information in his presentation:

- July 2008 – The Mayor and Council gave direction to develop short- and long-term solutions to regulatory barriers making use of existing midtown development problematic. The main focus being on parking.
- September 2008 - Initiated *LUC* Reformat project; also directed staff to proceed with substantive changes such as the *Parking Code* revision.
- October 2008 (reaffirmed January 2009) - Environmental Planning and Resource Management Subcommittee (EPRM) confirmed the long-term goal was overall *Parking Code* revision.

Mr. Smith displayed what the key concerns were with the current *Parking Code*:

- Outdated (1969), suburban in its focus, and leads to excessive parking areas
- Too many uses and too many intensity formulas
- Sterilizes existing commercial property and had no flexibility
- Not enough distinction between urban and suburban parking rules
- Revisions to the parking code may cause spillover into neighborhoods
- Rules based on seating and employees create zoning enforcement problems
- Large parking lots in front of businesses create a negative community image
- Bicycle parking is excessive, especially for businesses where bicycle traffic was unlikely, e.g. appliance and furniture stores
- Better regional coordination of parking standards needed, especially in suburban areas

Mr. Smith presented the expectations, or the goals and objectives that had been outlined so far for the parking code revision project included the following:

- Ensure sufficient off-street parking without negatively impacting nearby residential areas.
- Reduce the heat island impact of parking areas.
- Address an appropriate modal split to better address transit-oriented development, urban centers, and suburban areas.
- Promote safe, convenient, and efficient design of parking, circulation, and access areas.
- Simplify the standards

Mr. Smith stated as a touchstone throughout the parking revision project, were going to be best practices. He said staff was looking at communities across the country including communities in Arizona for best practices. He showed a sampling of some of the best practices that were currently being used in other areas, such as:

- **New zoning districts** or specific plans – allow parking reductions in specified areas.
- **Case-by-case evaluation** – allow for customization of parking for specific uses.
- **Transit overlays** – reduced or waived minimum parking requirements in areas served by range of travel options
- **Shared Parking** – allow uses with different hours of operation to share parking spaces
- **Maximum parking requirements** – place a cap on the number of spaces provided

Mr. Smith stated the work plan in developing the recommendations was, staff would work with the *LUC* Committee. He said staff had only started an earnest with them the week before which was just an initial discussion. He said in order to make the project manageable; staff had broken up the *Parking Code* into four areas which would be discussed in turn with the *LUC*, gather feedback, and develop preliminary recommendations. He stated the four areas were:

- Formulas and Uses
- Design Standards
- Bicycle Parking
- Downtown Parking

Mr. Smith shared some of the feedback from the *LUC* Committee that staff received from the meeting the week before, which included:

- Additional landscaping and open space needed
- Landscaping needs to be appropriate for use of land
- Allow greater flexibility
- Balanced approach needed
- Adjust standards for “mini-dorms”
- Allow pervious paving
- Do not reduce the formula/number of ADA parking spaces
- Standards need to be enforceable

Mr. Smith stated in the preliminary timeline which was done in an effort to be in sync with the *LUC* simplification timeline, the next steps were:

- September/October 2009 – Parking Formulas & Use recommendations
- November 2009 – Design Standards
- December 2009/January 2010 – Bicycle Parking
- February 2010 – Downtown Parking

- April 2010 – Preliminary draft
- May 2010 – Final draft
- Review by Planning Commission (2-4 months)
- Mayor and Council review and adoption (1-2 months)
- Potential adoption by November/December 2010

Chair Rex asked how the new changes, recently done, were doing, and were they being used or not.

Mr. Mazzocco stated staff had some issues at first but thought staff was getting used to it. He said staff had a meeting earlier in the day where they discussed some projects. He added he saw where there were some issues that the development review staff had not quite understood some of the revisions but were starting to clarify that. He stated the revisions had only been around for a couple of months but he thought with in the next couple of months, staff would have better grip on them. He said staff had approximately four projects approved, they had reviewed a dozen and a half projects and some projects where staff had said no but thought staff was getting better at them. He added where there were some differences of opinions on the phrasing, he said he thought they were getting a more focused understanding and interpretation which would start working much better within the next few months. He added he and staff expected those provisions to be part of the parking regulations and there would be no reason to take them out. He said the shared use and the case by case would be able to be blended into the regulations which he said staff would learn from the use in the next few months how well they were working and where staff would have to make any corrections.

Commissioner Lavaty asked if staff could come back to Planning Commission to give an update on how the language was working.

Commissioner Maher asked about bicycle parking. He said he wanted to know if the homeless enclosures would be going away.

Mr. Smith stated he did not know if they would go away but he said it had been an issue that was brought up over the bike lockers. He said staff had heard developers move the boxes from project to project and as soon as the inspection was done, they move the boxes. He added staff had seen photos of the boxes being used by the homeless which had become detraction from the development and a nuisance. He stated there were ways to resolve that issue and staff was looking at other communities, Portland for one, as to how to they dealy with the bicycle parking and the ratio of the amount of enclosed and un-enclosed bike racks.

Commissioner Maher stated there was a tremendous bicycle community in Tucson that was very involved and he was curious as to where that was going. He said he was frustrated until Tucson improved more of the major streets to have bike paths. He added it was disappointing to see bicyclists trying to fight traffic when there was no lane for them. He stated he was unsure if they could be helped with the code or not but felt it was frustrating and dangerous.

Mr. Mazzocco stated he and staff had engaged the Transportation Department and their bicycle planner in the review of the bicycle parking regulations. The bicycle planner had acknowledged that the lockers were problematic and there were better practices out there. He said staff had asked the bicycle planner and his staff to come up with some of the best practices for bicycle parking around the country so we could take a look at them and see if any of those practices would work in the Tucson Code.

Mr. Smith stated the City had an objective or a goal of reaching a platinum level with the League of Cyclists: therefore, staff did not want to do anything that would reduce their current gold standard. He said the City wanted to enhance their regulations to set the City up for the platinum rating in the future.

Commissioner Maher asked if that meant there would be shared bicycle parking like the current shared parking Downtown. He added there was a tremendous amount of people who went back and forth through Downtown and some of them rode their bikes, so it would be nice to have something to address the parking but not the enclosures.

Mr. Smith stated it was possible to have something like that in the future.

Commissioner Mayer stated it was the third or fourth agenda item where there was information out on the screen in which had not been provided to the Commissioners. He asked staff if that was going to be the standard operating procedure for the future or was it an anomaly because of the change of the departments.

Ernie Duarte, Planning and Development Services Department, Director, stated staff would attempt to get all the information in the packet to the best of their ability on each agenda item. He said there was one item which staff supplemented the information at the request of Chair in their pre-meeting. He said staff would strive to do a better job.

Mr. Mazzocco asked the Commissioners if they wanted paper copies of the Power Point presentations staff could send them electronically. He said he wanted to clarify the Commissioners request and ensure staff gets them what they were asking for.

Chair Rex stated, what she often saw in the packets, were cover sheets. The Planning Commission did not know or receive much more information about the items. She said a summary sheet or an electronic copy of the complete presentation would help. She added if it was too difficult to get a summary sheet together, staff could email the entire item or presentation and that would be all they needed. She stated it was hard to prepare questions on the fly for staff when the Commissioners do not know what it was staff was going to present.

Mr. Mazzocco stated staff could definitely send the presentations electronically to the Commissioners with no problem. He added sometimes it was not easy to get everything done by the day the items should be mailed out.

Commissioner Mayer stated in the old days, there was a hard deadline and if all the staff did well, they better have their work done in time to get it into the packets. He said there were some supplements for late delivery but even if that was the case, there

was a big difference between having something emailed the day before, like a few items were, than not having anything at the meeting.

9. OTHER BUSINESS

a. Mayor and Council Update

Jim Mazzocco, Planning and Development Services Department, Planning Administrator, stated nothing that had recently been before the Planning Commission had reached the Mayor and Council for any kind of decision. He said there were a couple of items that would be presented to them shortly; the *Grant-Alvernon Area Plan Amendment: Fort Lowell Road/Walnut Road* and the Infill Incentive District and Modification of Regulations Process on September 9, 2009. He added the Feldman's NPZ went before the Zoning Examiner on August 13, 2009 and on August 20, 2009, the Zoning Examiner put out a recommendation of approval in his preliminary recommendation. He stated staff expected the item to be presented to the Mayor and Council in mid October

b. Other Planning Commission Items (Future agenda items for discussion/assignments)

- Update on Parking Reduction
- Public Hearing items

c. Update on Water and Wastewater Study Oversight Committee by Planning Commission Members

Commissioner Maher stated Commissioner Sayler-Brown was on the committee in which he had exited from the Committee disappointingly. He said he tried to catch up but it was an extremely complicated Committee that had white paper documents being written and had issued a number of them to move towards a final report. He added the Committee had a very brisk schedule in getting the final report written by the deadline of November 5, 2009. He said it was a very intense Committee and were evaluating the water situation, amount of water calculations, how much water there would be in the future, and how to retrieve it and recycle it. He stated he looked forward to seeing the report and the Committee had all of their white paper reports online. He said fortunately the first portion of those were executive summaries which were excellent in terms of giving an idea of what the report entailed. He added the reports had graphics, studies that showed the impact of mass transit as opposed to building more roads and what had to be done with either the water infrastructure or the amount of water that would be needed. He said it would be an entire session of what the Committee looked at, what they studied, what they issued and the white paper documents. He stated it was incredibly important and did not want to misstate or misunderstand the study. He added Tucson was a desert and there was only so much water. He said he thought one of the key things that had been talked about was, someday, people would have to pay for the real cost of water. He added there had been an article in the Star about the situation and had been various books by local people who were water follies. He said he thought it was coming to a head some time shortly in terms of any decisions for those in the development community who were

already seeing it. He said the real cost of the water needed to be looked at and added Tucson Water was doing their best trying to grab whatever water was out there or purchase more water reserve.

Chair Rex asked if there were any other Commissioners who would like to replace Commissioner Sayler-Brown on the Wastewater Committee.

Commissioner Maher stated he was not sure the Committee was looking for a replacement because they were nearing the end. He said there maybe one more report and then they would compile it all into a summary. He added the Committee did not want to make any recommendations to the Mayor and Council on the individual reports; they want to make a final recommendation on the entire project.

10. CALL TO THE AUDIENCE

None

11. ADJOURNMENT – 10:15 p.m.